

IN THE CIRCUIT COURT
SAINT CHARLES COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

CHERYL JOHNSON)
Plaintiff,)
v.) Cause No.
I.C. SYSTEM, INC.) Division
Serve at:)
CT Corporation System, Registered Agent)
120 South Central Ave)
Clayton, MO 63105)
Defendant.) **JURY TRIAL DEMANDED**

PETITION

COMES NOW, Plaintiff, Cheryl Johnson, and for her Petition states as follows:

INTRODUCTION

1. This is an action for statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 USC 1692 *et. Seq.* ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.
2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 USC 1692k (d) because the illicit collection activity was directed at Plaintiff in Saint Charles County, Missouri.

PARTIES

4. Plaintiff is a natural person currently residing in Saint Charles County, Missouri. Plaintiff is a "consumer" within the meaning of the FDCPA. The debt Plaintiff allegedly owes

arises out of consumer, family, and household transactions.

5. Specifically, Plaintiff believes the alleged debt arose from cellular services at T-Mobile USA, Inc.

6. Defendant is a foreign corporation with its principal place of business in St. Paul, MN. The principal business purpose of Defendant is the collection of debts in Missouri and nationwide, and Defendant regularly attempts to collect debts alleged to be due another.

7. Defendant is engaged in the collection of debts from consumers using the mail and telephone. Defendant is a "debt collector" as defined by the FDCPA. 15 U.S.C. §1692a (6).

FACTS

8. Defendant's collection activity of which Plaintiff complains occurred within the previous twelve (12) months.

9. Defendant's illicit collection activity consisted of a collection letter sent to Plaintiff.

10. On or about August 7, 2015, Defendant sent Plaintiff a collection letter attempting to collect an alleged debt of \$941.79, allegedly stemming from T-Mobile USA, Inc, account # 872626490.

11. Defendant's August 7, 2015 letter was an attempt to collect a debt.

12. Defendant's August 7, 2015 collection letter came in a double-windowed envelope which displayed Defendant's name, "**I.C. System, Inc.**" in bold letters through the upper left hand corner window.

Violations of the FDCPA

13. Defendant's display of its name "**I.C. System, Inc.**" through the window of its envelope for the August 7, 2015 collection letter violated 15 U.S.C. §1692f(8), which prohibits a

debt collector from using any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer by use of the mails or by telegram, except that a debt collector may use his business name if such name does not indicate that he is in the debt collection business.

14. Specifically, Defendant's display of its name "**I.C. System, Inc.**" through the window of its envelope for the August 7, 2015 collection letter violated 15 U.S.C. §1692f(8) because it indicated that the communication was from a debt collection business, and it indicated Plaintiff as a debtor.

15. A quick internet search of "I.C. System, Inc." on Google.com reveals immediately on the first search result that "Since 1938, I.C. System has been a reliable, trustworthy collection agency . . ."

16. Defendant's collection attempts have caused Plaintiff to incur actual damages, including, but not limited to embarrassment, anxiety, sleeplessness, and worry.

COUNT I: VIOLATION OF THE FDCPA

17. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

18. In its attempt to collect the alleged debt from Plaintiff, Defendant has committed violations of the FDCPA, 15 U.S.C. 1692 et. seq., including, but not limited to, the following:

a. Displaying language through an envelope that indicates that the letter is from a debt collector. 15 U.S.C. §1692f(8).

WHEREFORE, Plaintiff respectfully requests that judgment be entered against Defendant for:

- A. Judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;

- C. Release of the alleged debt;
- D. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. 1692(k); and
- E. For such other relief as the Court may deem just and proper.

Respectfully submitted by,
Pontello Law, LLC

/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
5988 Mid Rivers Mall Dr., Suite 114
St. Charles, MO 63304
(636) 541-7673
(636) 441-6881 facsimile
dominic@pontellolaw.com

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Plaintiff,)
v.)
I.C. SYSTEM, INC.)
Defendant.) JURY TRIAL DEMANDED

REQUEST FOR APPOINTMENT OF PROCESS SERVER

COMES NOW, undersigned counsel, pursuant to Local Rules, and at his own risk requests the appointment of the Circuit Clerk of:

**SERVICES RENDERED, INC., LAWRENCE ROTH, MARYBETH RICE, JAMES BROMEIER, MARK WILCOX, TOM McCARTHY, PAT MEDLEY, PAUL SCHRAGE
220 W. LOCKWOOD AVE, STE 104, ST. LOUIS, MO 63119
(314) 918-0448**

Natural persons of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

SERVE AT:

CT CORPORATION SYSTEM, R/A
120 SOUTH CENTRAL AVE
CLAYTON, MO 63015

All Risks to Plaintiff
So Appointed:

Date: _____

By: _____
JUDGE

Pontello Law, LLC
/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
5988 Mid Rivers Mall Dr., Suite 114
St. Charles, MO 63304
(636) 541-7673
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SERVE AT:

CT CORPORATION SYSTEM, R/A
120 SOUTH CENTRAL AVE
CLAYTON, MO 63015

All Risks to Plaintiff
So Appointed:

Date: ALL RISKS TO PLAINTIFF
SO APPOINTED:
By: /S/ JUDY ZERR 8:13 am, Sep 14, 2015
JUDGE

Pontello Law, LLC
/s/ Dominic M. Pontello
Dominic M. Pontello, #60947
Attorney for Plaintiff
5988 Mid Rivers Mall Dr., Suite 114
St. Charles, MO 63304
(636) 541-7673
(636) 441-6881 facsimile



IN THE 11TH JUDICIAL CIRCUIT COURT, ST. CHARLES COUNTY, MISSOURI

Judge or Division: NORMAN C STEIMEL III	Case Number: 1511-AC05206
Plaintiff/Petitioner: CHERYL ANN JOHNSON vs.	Plaintiff's/Petitioner's Attorney/Address: DOMINIC M PONTELLO PONTELLO LAW LLC 5988 MID RIVERS MALL DR SUITE 114 SAINT CHARLES, MO 63304 (636) 541-7673
Defendant/Respondent: I.C. SYSTEM, INC	Date, Time and Location of Court Appearance: 16-OCT-2015, 09:00 AM DIVISION 10 COURTROOM 300 N 2nd STREET SAINT CHARLES, MO 63301
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Summons

The State of Missouri to: I.C. SYSTEM, INC Alias: 444 HIGHWAY 96 EAST ST. PAUL, MN 55217	R/A CT CORPORATION SYSTEM 120 SOUTH CENTRAL AVE CLAYTON, MO 63105
<p>COURT SEAL OF ST. CHARLES COUNTY</p> <p>You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.</p> <p>If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.</p> <p>_____ 9/14/2015 _____ _____ Date _____ _____ /S/ Judy Zerr _____ Clerk</p> <p>Further Information:</p>	

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
- leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years.
- (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
- other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date _____

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$. _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.